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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,851	02/25/2002	David Lin	JCLA4539-CA	6981
23900	7590	11/15/2004	EXAMINER	
J C PATENTS, INC. 4 VENTURE, SUITE 250 IRVINE, CA 92618			MAYES, MELVIN C	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

MKS

Office Action Summary

Application No.

10/083,851

Applicant(s)

LIN ET AL

Examiner

Melvin Curtis Mayes

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-14 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-14 and 18-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

(1)

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

(2)

Claims 13, 14 and 18-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 claims "providing a film" and "the template...is placed between the impresser and the transfer" Where is the film in relation to the template? According to the specification, the film is placed between the template and the impresser. It should be made clear the relationship between the transfer, template, film and impresser. Claim 13 could read "the template...is placed between the impresser and the transfer and between the transfer and the film."

Claim Rejections - 35 USC § 103

(3)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

(4)

Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kagawa et al. 5,648,107.

Kagawa et al. '107 discloses a method of making a porous film comprising: providing a polymer film; providing a perforating unit of a first block having a surface on which a particles of diamond are deposited and a second block having a surface on which a desired protruding pattern is formed and having a polymer sheet arranged to cover the pattern in the second block; and placing the film between the first and second blocks to press the particles of the first block into the film in the region of the pattern on the second block to perforate the film with a plurality of non-through pores. The first block has diamond particles electro-deposited at a density of about 53,000 particles/cm² which forms non-through pores at the same density of about 53,000 pores/cm². The polymer sheet functions to reduce strains during the pressurization (col. 3, line 45 - col. 7, line 67). Kagawa et al. '107 further discloses that after forming the plurality of non-through pores in a film, the film is laminated on a heat-fusible resin film to obtain a packaging material (col. 9, lines 14-29).

By providing a polymer sheet between the polymer film and the second block, of a perforating unit of first block and second block, to reduce strains during pressurization, a "buffer layer" of plastic is obviously provided between the film and a transfer of a squeezer including an impresser and the transfer.

By providing the first block with diamond particles deposited at a density of about 53,000 particles/cm² and pressing to form non-through pores at the same density of about 53,000 pores/cm², as disclosed by Kagawa et al., a plurality of grain projections (diamond particles) are obviously formed on an impresser (the first block) in a predetermined pattern (density of about 53,000 particles/cm²) so as to form protuberant structures on the film in an area corresponding to the predetermined pattern, as claimed, because the predetermined density (predetermined

pattern) of diamond particles on the first block results in protuberances (protuberant structures) between the non-through pores of same density as that of the particles on the first block (impresser), the protuberances being formed on the film in an area of the film corresponding to the predetermined density (predetermined pattern).

Allowable Subject Matter

(5)

Claims 13, 14 and 18-24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Response to Arguments

(6)

Applicant's arguments filed November 7, 2003 have been fully considered but they are not persuasive.

Applicant argues that Kagawa et al. do not disclose, teach or suggest a plurality of "protuberant structures on the film" as claimed but forms a porous film with non-through pores.

(7)

In Kagawa et al., it is true that non-through pores are formed, however these non-through pores are defined by protuberances between the non-through pores (Fig. 6). The Examiner maintains the position that the pressing in the method of Kagawa et al. results in protuberant structures on the film, as claimed.

Conclusion

(8)

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


(9)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Curtis Mayes whose telephone number is 571-272-1234. The examiner can normally be reached on Mon-Fri 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1734

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melvin Curtis Mayes
Primary Examiner
Art Unit 1734

MCM

November 10, 2004